



**Senator John L. Martin**  
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June 15, 2004

Mr. Raymond B. Dawson, Chairman  
Bromine Science & Environmental Forum  
C/o Polymer Chemicals  
451 Florida Street  
Baton Rouge, LA 70801-1765

RE: LD 1790 – An Act to Reduce Contamination of Breast Milk and the Environment from the Release of Brominated Chemicals in Consumer Products

Dear Ray,

As you know, I appreciate the significant and very important information you provided to the Committee and myself during our deliberation on LD 1790. I know that you expended significant effort to come to Maine on a number of occasions and, from your position, what the Committee approved and the Legislature enacted, was not quite to your liking or that of your colleagues in the industry. I understand your concern, and that of the other members of the Bromine Science and Environmental Forum ("BSEF").

The intent of LD 1790 is to address the very real concern of certain PBDEs being found in human breast milk. LD 1790 addresses this concern by phasing-out the sale or intent for sale or distribution for promotional purposes any product containing the penta or octa mixtures of polybrominated diphenyls effective January 1, 2006. This action is in-line with your industry's voluntary phase out of these materials.

LD 1790 also goes beyond the California law and addresses the deca mixture of polybrominated diphenyl ethers. I know this is the portion of the law that you and others in the industry find troubling. I understand there are some reports that Maine has banned deca. That is not accurate. I would like to clarify that deca remains an acceptable fire retardant for use in the State of Maine. LD 1790 requests that the Department of Environmental Protection include in its annual report to the Legislature's Joint Standing Committee on Natural Resources an update on the nationwide availability of "safer alternatives" to the deca mixture. It is not yet known if such acceptable alternatives will exist and/or if they will meet strong fire safety standards. The Committee will review the annual reports as submitted by the Department to determine if a "safe" alternative that meets the same fire safety requirements is available in all 50 US States. If such alternatives do exist, the Committee may, at that time, report out legislation to implement risk reduction measures or enact a prohibition of the sale of products containing more than 1% of the deca mixture.

Should you have any further questions, please feel free to contact me.

Sincerely,

Senator John L. Martin  
Maine State Legislature – Senate Chair, Joint Standing Committee on Natural Resources

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